

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON ALEXANDER FAVOR,

Plaintiff,

v.

BUCKLE, et al.,

Defendants.

No. 1:21-cv-01378-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S APPLICATION TO PROCEED
IN FORMA PAUPERIS

(Doc. Nos. 2, 6)

Plaintiff Brandon Alexander Favor is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 16, 2021, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's application to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(g) and that plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action. (Doc. No. 6.) Specifically, the findings and recommendations conclude that plaintiff has accrued three or more prior dismissals that count as strikes under 28 U.S.C. § 1915(g) and that his current allegations do not satisfy the imminent danger exception to § 1915(g). (*Id.* at 1–2.) The findings and recommendations were served on plaintiff and contained notice that objections thereto were to be filed within fourteen (14) days after service.

(*Id.* at 3.) Plaintiff timely filed objections to the findings and recommendations on October 5, 2021. (Doc. No. 7.) Those objections do not appear to address the conclusions in the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's objections, the court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on September 16, 2021 (Doc. No. 6) are adopted in full;
2. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is denied;
3. Within twenty-one (21) days from the date of service of this order, plaintiff shall pay the required filing fee of \$402.00 in full to proceed with this action; and
4. Failure to pay the filing fee within the allotted time will result in dismissal of this action.

IT IS SO ORDERED.

Dated: November 6, 2021


UNITED STATES DISTRICT JUDGE